

Judge Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MILDREADA RUIZ RAPA,
and MELANIE ANDREWS,

Defendants.

NO. CR05-5250FDB
CR05-5380FDB

ORDER
CONTINUING TRIAL
AND MOTIONS DATES

The Court, having considered the records and files herein and having reviewed this agreed and proposed order, hereby finds and orders the following:

1. The parties agree that this case is "complex" under 18 U.S.C. § 3161(h)(8)(B)(ii) due to the nature of this identity theft prosecution involving many instances of alleged real estate fraud and tax fraud, the voluminous documentary evidence involved, and the large number of witnesses the government will need to call at trial. At the discovery conference the government disclosed to defense counsel approximately 15 boxes of material along with numerous binders of investigative reports and other materials.


2. The parties agree that it would be unreasonable to expect the defendants and their counsel to be adequately prepared for pretrial motions, pretrial proceedings or the trial of this matter within the time limits established by the Speedy Trial Act at 18 U.S.C. § 3161-3174, et seq. As a result, and pursuant to the defendants' request and with the agreement of government counsel, the Court will strike the current motions date of May 1, 2006, and the currently scheduled trial date of June 5, 2006. The Court finds,

pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice served by a delay of the trial outweighs the best interest of the public and the defendants in a speedier trial.

3. Defendant Mildreada Ruiz Rapa and Melanie Andrews have discussed their rights to a speedy trial with their respective counsel, Ronald Ness and Phil Brennan. Based upon those discussions they understand those rights and knowingly and voluntarily waive such rights until September 30, 2006. The Court hereby accepts the defendants' waivers as knowingly and voluntarily made and with advice of counsel. The time period from the current trial date of June 5, 2006, up to and including the new trial date of September 18, 2006, shall be excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A).

4. The new trial date will be September 18, 2006 and the motions cut-off date will be August 7, 2006. The Court will set other due dates and a pretrial conference pursuant to separate order.

DATED this 9th day of May, 2006.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

DATED: May 1, 2006
Presented by:

s/Kurt P. Hermanns
KURT P. HERMANNNS
Assistant United States Attorney

Approved for entry:

s/Ronald D. Ness
Ronald D. Ness
Attorney for Mildreada Ruiz Rapa

s/ Phil I. Brennan
Phil I. Brennan, Jr.
Attorney for Melanie Andrews